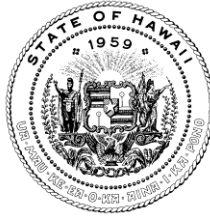


DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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CONSERVATION AND RESOURCES ENFORCEMENT
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref: OCCL:RB

CDUA OA-3875
Acceptance Date: 3/5/2021
180 Day Expiration Date: 9/1/2021

Ian Hirokawa
State of Hawaii, DLNR
Land Division
1154 Punchbowl Street, Rm 220
Honolulu, HI 96813

Dear Mr. Hirokawa:

**NOTICE OF ACCEPTANCE AND ENVIRONMENTAL
DETERMINATION**
Conservation District Use Application (CDUA) OA-3875
(Board Permit)

This acknowledges the receipt and acceptance for the processing of the CDUA to dismantle an existing artificial breakwater, known as the Diamond Head Breakwater, in submerged lands makai of the Shangri La property. The project is located at Kaalawai, Honolulu. The project site totals 0.77 acres of submerged lands situated makai of Tax Map Key (TMK) (1) 3-1-041:005 and is in the Protective Subzone of the State Land Use Conservation District.

The Department of Land and Natural Resources (the State) proposes to dismantle the existing Diamond Head Breakwater and re-use the boulders to re-create a natural rocky shoreline fronting the existing Shangri La seawall. The project's purpose is to address public safety issues by deterring risky behavior in the area associated with the breakwater. The breakwater was constructed in 1938 over a natural volcanic dike, it is the seaward boundary of a former boat basin and extends seaward from the western end of the Shangri La property in a southeast direction. The breakwater has a pyramid-shaped profile comprised of large boulders with a somewhat level crest. It is about 140 feet long with a varying height of approximately 7.5 to 8.7 feet above mean sea level (MSL).

Breakwater dismantling will remove all boulders except the last, bottom row on the ocean floor. An estimated 500 cubic yards of boulders would be removed from the breakwater. The remaining, structurally sound portions of the natural dike, uncovered by boulder removal, would be left untouched; broken or loose dike sections would be removed. No blasting and/or excavation of the natural dike is proposed. The 500 cubic yards of removed boulders and approximate 350 cubic yards of imported boulders are the estimated amount to create the revetement along the existing Shangri La seawall.

Current preliminary construction methods include using waterborne equipment. Rock removal and placement activities would be performed by crane and/or excavator fitted with a clamshell bucket and thumb. The crane/excavator would be positioned on a barge or suitable working platform positioned with the work areas. Multiple barges or platforms may be used for temporary staging and storage of materials and equipment. The barges and platforms would be held in their working positions using some combination of spuds, anchors, and working vessels. Small working vessels would accompany these barges to transport crew members and position the platforms during work. If barges are required to be situated outside (makai of) the breakwater, the contractor will be required to prepare a Barge Spudding Plan to document the existing marine conditions relative to the proposed anchor positions.

After reviewing the application, the department finds that:

1. The proposed uses are identified land uses in the Protective subzone of the Conservation District, pursuant to the Hawaii Administrative Rules (HAR), 13-5. Please be advised, however, that this finding does not constitute approval of the proposal.
 - HAR, 13-5-22, P-6, **PUBLIC PURPOSE USES**, (D-1) Not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government, or by an independent non-governmental entity, except that an independent non-governmental regulated public utility may be considered to be engaged in a public purpose use. Examples of public purpose uses may include but are not limited to public roads, marinas, harbors, airports, trails, water systems and other utilities, energy generation from renewable sources, communication systems, flood or erosion control projects, recreational facilities, community centers, and other public purpose uses, intended to benefit the public in accordance with public policy and the purpose of the conservation district.
 - HAR, 13-5-22, P-8, **STRUCTURES AND LAND USES, EXISTING** (D-1) Major alteration of existing structures, facilities, uses, and equipment, or topographical features which are different from the original use or different from what was allowed under the original permit. When county permit(s) are required for the associated plan(s), the department's approval shall also be required.
2. Pursuant to HAR, 13-5-40, a Public Hearing will be required;
3. In conformance with Hawaii Revised Statutes (HRS), 343, as amended, and HAR, 11-200.1, the FEA and has been reviewed and a finding of no significant impact to the

environment (FONSI) was determined by the DLNR. Notice was published in the June 23, 2017, Issue of the Environmental Notice

4. Please be informed that the applicant's responsibility includes complying with the provisions of Hawaii's Coastal Zone Management law (Chapter 205A, HRS) that pertain to the Special Management Area (SMA) requirements administered by the various counties. Negative action by the Board of Land and Natural Resources (BLNR) on this application can be expected should you fail to obtain and provide us, at least forty-five (45) days prior to the 180-day expiration date as noted on the first page of this notice, one of the following from the appropriate county: (1) An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA; (2) An official determination that the proposed development is outside the SMA; (3) An SMA Use Permit for the proposed development.

Upon completion of the application review process, the subject CDUA will be reviewed by the Board of Land and Natural Resources for consideration. Should you have any questions, please feel free to contact Rachel Beasley at rachel.e.beasley@hawaii.gov or work cell 808-798-6481.

SZ

Sincerely,

Suzanne D. Case

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

cc: DAR/DOCARE/DOFAW/Oahu Land District
Engineering Division/Office of Planning
OHA/USFWS/US Army Corps
C&C, Planning Department
C&C, Fire Department
Kaimuki Public Library
Wai'alae Kahala Neighborhood Board
Historic Hawaii Foundation